

Docket No. DELME-P2739

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dan W.C. Delmer

Serial No.: 09/904,975

Art Unit: 3679

Filed: July 12, 2001

Examiner: Aaron M. Dunwoody

For: COUPLING FOR PIPE AND RELATED METHODS

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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JUN 29 2004  
**OFFICE OF PETITIONS**

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED**

**UNINTENTIONALLY UNDER 37 C.F.R. 1.137(b)**

Sir:

Please find attached herewith as set forth in 37 C.F.R. §1.137(b)(1)-(3):

- (1) Amendment and Response to the Final Office Action originally fax on January 20, 2004;
- (2) Petition fee as set forth in §1.17(m); and
- (3) Statement of unintentional delay.

Applicant hereby states that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to paragraph 37 C.F.R. §1.137(b)(3) was unintentional.

As indicated in a fax receipt transmission attachment provided herewith, Applicant attempted to fax an initial Amendment and Response to the Final Office Action mailed on November 19, 2003, to fax number 703-872-9326 on January 20, 2004. In at least one subsequent telephone communication,

**Certificate of Express Mailing**

I hereby certify that this correspondence and all attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee, service on the date indicated below and addressed to Mail Stop: Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Mark A. Pellegrini, Reg. No. 50,233

June 21, 2004  
DATE

Examiner Dunwoody indicated that his office did not receive the aforementioned Office Action Response and he (Examiner Dunwoody) requested a retransmission of that Response to fax number 703-872-9306.

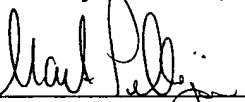
At least three (3) attempts by Applicant's representative to fax the aforementioned Response to fax number 703-872-9306 have apparently been unsuccessful. However, confirmation of those fax transmissions of May 20, 2004; June 2, 2004; and June 9, 2004 are indicated on at least Applicant's facsimile sheets provided herewith.

In view of the remarks as set forth above, the undersigned respectfully requests refund of the \$55.00 petition fee and revival of the above-referenced application for prosecution.

If a representative of the Office of Petitions has any questions regarding the foregoing, the representative is invited to contact the undersigned representative of Applicant at (949) 718-6750.

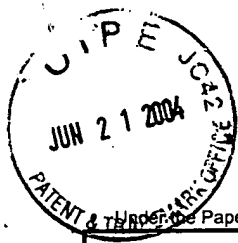
Respectfully submitted,

Date: June 21, 2004

  
Mark Pellegrini  
Reg. No. 50,233  
J. Mark Holland & Associates,  
a Professional Law Corporation  
3 Civic Plaza, Suite 210  
Newport Beach, California 92660  
Telephone: 949-718-6750  
PTO Customer Number 21,259

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6-23-04

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A

PTO/SB/64 (11-03)  
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)  
DELME-P2739

First named inventor: Dan W. C. Delmer

Application No.: 09/904,975

Art Unit: 3679

Filed: July 12, 2001

Examiner: Aaron M. Dunwoody

Title: COUPLING FOR PIPE,  
AND RELATED METHODS

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

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JUN 29 2004  
**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 55.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in

the form of Amendment and Response to Final Office Action (identify type of reply):

☒ has been filed previously on January 20; May 20; June 2; and June 9, each of 2004.

☒ is enclosed herewith.(for reference)

B. The issue fee and publication fee (if required) of \$ \_\_\_\_\_ 06/25/2004 CNGUYEN 00000115 09904975

☐ has been paid previously on \_\_\_\_\_ 01 FC:1999

☐ is enclosed herewith.

55.00 OP

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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06/25/2004 CNGUYEN 00000113 082624 09904975  
01 FC:2453 610.00 DA 55.00 OP

06/25/2004 CNGUYEN 00000115 09904975  
01 FC:2453 610.00 DA 55.00 OP

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### 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

June 21, 04

Date

*Mark A. Pellegrini*

Signature

Telephone

Number: 949-718-6750

Mark A. Pellegrini, Reg. No. 50,233

Typed or printed name

3 Civic Plaza, Suite 210

Address

Newport Beach, CA 92660

Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay  
Copies of facsimile cover sheets, confirmation facsimile sheets from JMH&A offices

☒ Other: and auto-replay facsimile sheets from USPTO

### CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as Express mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

June 21, 04

Date

*Mark A. Pellegrini*

Signature

Mark A. Pellegrini, Reg. No. 50,233

Type or printed name of person signing certificate

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 122

## Complete if Known

Application Number 09/904,975  
Filing Date July 12, 2001  
First Named Inventor Dan W. C. Delmer  
Examiner Name Aaron M. Dunwoody  
Art Unit 3679  
Attorney Docket No. DELME-P2739

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JUN 29 2004

OFFICE OF PETITIONS

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

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Deposit Account Name

08-2624

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$ )			

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below	Fee Paid
Total Claims	27	-23** =	4	X 9	= 36
Independent Claims	8	-6** =	2	X 43	= 86
Multiple Dependent					

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ ) 122

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ )

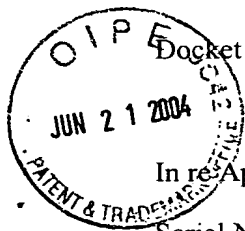
## SUBMITTED BY

Name (Print/Type) Mark A. Pellegrini Registration No. (Attorney/Agent) 50,233 Telephone 949 718-6750  
Signature [Signature] Date January 20, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS  
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Docket No. DELME-P2739

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Dan W. C. Delmer

Serial No.: 09/904,975

Art Unit: 3679

Filed: July 12, 2001

Examiner: Aaron M. Dunwoody

For: COUPLING FOR PIPE AND RELATED METHODS

Attn: Office of Petitions  
Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

EXPRESS MAIL CERTIFICATE

"Express Mail" label number: EL 483941645 US

Date of Deposit: June 21, 2004

Sir:

I hereby certify that, pursuant to CFR § 1.10, the following attached papers:

1. Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. 1.137(b);
2. Executed PTO/SB/64;
3. Form PTO-2038 to cover the associated petition fee of \$55.00;
4. Copies of ALL noted attachments as stated in Petition for Revival.

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and addressed to Mail Stop: PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Please acknowledge receipt of these documents on the enclosed postal card.

Respectfully submitted,

Mark A. Pellegrini  
Reg. No. 50,233  
J. Mark Holland & Associates,  
a Professional Law Corporation  
3 Civic Plaza, Suite 210  
Newport Beach, California 92660  
Telephone: 949-718-6750  
PTO Customer Number 21,259

Date: June 21, 2004

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Jan-20-04 6:18PM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
448	1/20 6:11PM	7'31"	USPTO	Send.....	20/20	EC144	Completed.....

Total 7'31" Pages Sent: 20 Pages Printed: 0

J. MARK HOLLAND & ASSOCIATES

3 CIVIC PLAZA, SUITE 210  
NEWPORT BEACH, CALIFORNIA 92660

PATENT, TRADEMARK, COPYRIGHT,  
AND RELATED MATTERS

TELEPHONE: (949) 718-6750  
FACSIMILE: (949) 718-6756  
E-MAIL: [office@jmhblaw.com](mailto:office@jmhblaw.com)

J. MARK HULLAND, PC  
LYNNE M.J. BOISINEAU

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DATE: January 20, 2004  
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**TO:**

Attention: Examiner Aaron M. Dunwoody  
Art Unit: 3679

Fax No.: 703-872-9326  
Telephone:

**FROM:** Name: Leigh Anne Shetler-Smith, Paralegal  
Fax No.: (949) 718-6756  
Telephone: (949) 718-6750

**SUBJECT/COMMENTS:** DELME-P2739 Serial No: 09/904,975

Attached hereto please find our Amendment and Response to Final Office Action; Credit Card Payment Form duly executed and Fee Transmittal Form for FY 2004.

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**J. MARK HOLLAND & ASSOCIATES**

3 CIVIC PLAZA, SUITE 210  
NEWPORT BEACH, CALIFORNIA 92660

PATENT, TRADEMARK, COPYRIGHT,  
AND RELATED MATTERS

TELEPHONE: (949) 718-6750  
FACSIMILE: (949) 718-6756  
E-MAIL: office@jmhlaw.com

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J. MARK HOLLAND, PC  
LYNNE M.J. BOISINEAU

JUN 29 2004

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DATE: January 20, 2004  
NUMBER OF PAGES TRANSMITTED, INCLUDING THIS COVER PAGE: 20  
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**TO:**

Attention: Examiner Aaron M. Dunwoody  
Art Unit: 3679

Fax No.: 703-872-9326  
Telephone:

**FROM:**

Name: Leigh Anne Shetler-Smith, Paralegal  
Fax No.: (949) 718-6756  
Telephone: (949) 718-6750

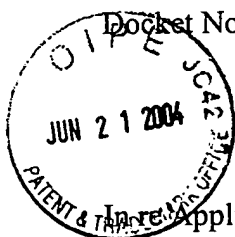
**SUBJECT/COMMENTS:** DELME-P2739 Serial No: 09/904,975

Attached hereto please find our Amendment and Response to Final Office Action; Credit Card Payment Form duly executed and Fee Transmittal Form for FY 2004.



Docket No. DELME-P2739

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: Dan W.C. Delmer

Serial No.: 09/904,975

Art Unit: 3679

Filed: July 12, 2001

Examiner: Aaron M. Dunwoody

For: COUPLING FOR PIPE AND RELATED METHODS

Mail Stop Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED**  
JUN 29 2004  
OFFICE OF PETITIONS

**AMENDMENT AND RESPONSE TO FINAL OFFICE ACTION**

Sir:

This communication is in response to the Final Office Action mailed November 19, 2003.  
As per the Revised Format of Amendments published in the *Official Gazette* on February 25, 2003, please find applicable section amendments for the above-referenced application on separately attached sheets.

06/24/2004 CNGUYEN 00000146 09904975

01 FC:2202 36.00 DP  
02 FC:2201 1161.00 DP  
03 FC:2201 86.00 DP  
Void date: 06/24/2004 CNGUYEN  
06/24/2004 CNGUYEN 00000146 09904975  
01 FC:2202 -36.00 DP  
02 FC:2201 -1161.00 DP  
03 FC:2201 -86.00 DP

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Mark A. Pellegrini, Reg. No. 50,233

January 20, 2004  
DATE

## SPECIFICATION

### Title

~~APPARATUS AND RELATED METHODS FOR PIPE COUPLING~~

**CLAIMS**

1. (Cancelled without prejudice)

2. (Currently Amended) ~~The apparatus of Claim 1,~~ Apparatus for joining a plurality of pieces of pipe, including:

a first piece of pipe and a second piece of pipe each having a similar size and shape sidewall corrugation pattern along their lengths;

a first female engagement structure formed from the sidewall corrugation pattern of the first piece of pipe; and

a male engagement structure formed from the sidewall corrugation pattern of the second piece of pipe,

the first female structure being temporarily deformed for receiving the male structure, the temporary deformation being both sufficiently large to permit the insertion of the male structure but also sufficiently small to ensure that material memory returns the first female structure toward its original non-deformed configuration with sufficient compressive force to grip the male structure and prevent its inadvertent removal from engagement with the first female structure, and

wherein the female structure includes an inwardly projecting engagement element at its leading edge acting between said first and said second pieces of pipe to increase the force necessary to disengage said pipe pieces from each other following assembly.

3. (Currently Amended) ~~The apparatus of Claim 1 or~~ Claim 2, in which said pipe sidewall corrugation pattern of each piece of pipe includes a corrugated exterior surface and an internal non-corrugated liner element.

4. (Previously cancelled without prejudice)

5. (Currently Amended) The apparatus of Claim 12, in which said first piece of pipe includes a second female engagement structure remote from said first female structure, said second female structure also being temporarily deformed to function as a female structure for receiving a corresponding non-deformed end of a third piece of pipe, said third piece of pipe having a sidewall corrugation pattern along its length that is similar in size and shape to the sidewall corrugation pattern of said first and second pieces of pipe.

6. (Currently Amended) The apparatus of Claim 12, including a sealing element positioned between confronting surfaces of said first and second pieces of pipe to help provide a watertight seal therebetween.

7. (Currently Amended) The apparatus of Claim 12, including an adhesive material acting between confronting surfaces of said first and second pieces of pipe to bond said first and second pieces to each other upon insertion of said second piece into said female structure of said first piece of pipe.

8. (Currently Amended) A stretching tool for use in connection with ~~the apparatus of Claim 1,~~ an apparatus for joining a plurality of pieces of pipe, the apparatus including:

a first piece of pipe and a second piece of pipe each having a similar size and shape sidewall corrugation pattern along their lengths;

a first female engagement structure formed from the sidewall corrugation pattern of the first piece of pipe; and

a male engagement structure formed from the sidewall corrugation pattern of the second piece of pipe,

the first female structure being temporarily deformed for receiving the male structure, the temporary deformation being both sufficiently large to permit the insertion of the male structure but also sufficiently small to ensure that material memory returns the first female structure toward its original non-deformed configuration with sufficient compressive force to grip the male structure and prevent its inadvertent removal from engagement with the first female structure,

the stretching tool including a channel into which an edge of said first piece of pipe can be inserted in its originally fabricated shape, said tool including means to temporarily deform said edge of said first piece of pipe.

9. (Previously Amended) The tool of Claim 8, including a plurality of rollers positionable along the inside and outside surfaces of said edge of said first piece of pipe, and further including means for exerting force to act between said rollers and said edge to deform said edge from its originally fabricated shape to eventually form a first female end.

10. (Currently Amended) A temporary stretch-holding device for use in connection with ~~the apparatus of Claim 1,~~ an apparatus for joining a plurality of pieces of pipe, the apparatus including:

a first piece of pipe and a second piece of pipe each having a similar size and shape sidewall corrugation pattern along their lengths;

a first female engagement structure formed from the sidewall corrugation pattern of the first piece of pipe; and

a male engagement structure formed from the sidewall corrugation pattern of the second piece of pipe,

the first female structure being temporarily deformed for receiving the male structure, the temporary deformation being both sufficiently large to permit the insertion of the male structure but also sufficiently small to ensure that material memory returns the first female structure toward its original non-deformed configuration with sufficient compressive force to grip the male structure and prevent its inadvertent removal from engagement with the first female structure,

~~said~~ the temporary stretch-holding device including a first portion for temporary insertion into said temporarily deformed female structure of said first pipe piece, said first portion being sized and configured to retain a sufficient degree of deformation of said temporarily deformed female structure so that, upon removal of said temporary stretch-holding device from said temporarily deformed female structure, a non-deformed end of said second piece of pipe may be inserted into engagement with said female structure.

11. (Previously Amended) The device of Claim 10, in which said device is fabricated with a sidewall corrugation pattern that is similar in size and shape to the sidewall corrugation pattern of said first piece of pipe, and further including a second portion to assist in desired removal of said device from said temporary insertion into said deformed female structure, said first portion includes a circumferential gap to allow a degree of compression of said corrugation pattern to facilitate the desired insertion into and removal from said female structure.

12. (Previously Amended) The device of Claim 10, in which said device is fabricated with a sidewall corrugation pattern that is similar in size and shape to the sidewall corrugation pattern of said first piece of pipe, and further including a second portion to assist in desired removal of said device from said temporary insertion into said deformed female structure, said second portion

includes an axially lengthwise cut to allow a degree of compression of said device to facilitate the desired insertion into and removal from said female structure.

13. (Previously Amended) The device of Claim 10, further including a second portion having a strap element upon which force can be exerted to effect the desired removal of said temporary stretch-holding device from said deformed female structure.

14. (Previously Amended) The device of Claim 10, further including a second-portion having a grippable area upon which force can be exerted to effect the desired removal of said temporary stretch-holding device from said deformed female structure.

15. (Previously Amended) The device of Claim 10, wherein said device is sized and configured for use as a cover over a pipe joint formed with said female structure after said device is removed from said temporary engagement within said female structure.

16-18 (Previously Withdrawn)

19. (Currently Amended) A coupling system for coupling pipe segments to each other, the system including:

a plurality of pipe segments each ~~pipe segment~~ having a similar size and shape sidewall corrugation pattern along its length, the corrugation pattern including:

a female end formed from the corrugation of the first pipe segment; and

a male end formed from the corrugation of a second pipe segment,

wherein at least one of said female and said male ends being temporarily deformed within its elastic limits to permit insertion of said male end into said female end, at least one of said temporarily deformed said female and said male end returning toward its original configuration following insertion of said male end into said female end, said female and male ends configured

so that hoop stresses are generated by material memory of said deformed end to maintain desired engagement between said pipe segments, and

wherein the female end includes an inwardly projecting engagement element at its leading edge acting between said first and said second segments of pipe to increase the force necessary to disengage said pipe segments from each other following assembly.

20. (Currently Amended) A pipe joint comprising:

first and second pieces of pipe having a generally uniform corrugated sidewall pattern along their lengths;

a female end of said first piece of pipe formed from said corrugated sidewall pattern by temporary expansion of said female end via application of energy thereto, said expansion not exceeding the limits of the pipe material's ability to return substantially to its original shape and size; and

a non-expanded end of said second piece of pipe insertable within said female end of said first piece of pipe while said female end is expanded,

wherein the female end includes an inwardly projecting engagement element at its leading edge acting between said first and said second pieces of pipe to increase the force necessary to disengage said pipe pieces from each other following assembly.

21-26 (Cancelled without prejudice)

27. (New) The apparatus of Claim 19, in which said first pipe segment includes a second female end remote from said first female end, said second female end also being temporarily deformed to function as a female structure for receiving a corresponding non-deformed end of a third pipe segment, said third pipe segment having a sidewall corrugation pattern along its length



that is similar in size and shape to the sidewall corrugation pattern of said first and second pipe segments.

28. (New) The apparatus of Claim 19, including a sealing element positioned between confronting surfaces of said first and second pipe segments to help provide a watertight seal therebetween.

29. (New) The apparatus of Claim 19, including an adhesive material acting between confronting surfaces of said first and second pipe segments to bond said first and second segments to each other upon insertion of said second segment into said female structure of said first pipe segment.

30. (New) The apparatus of Claim 20, in which said first piece of pipe includes a second female end remote from said first female end, said second female end also being temporarily deformed to function as a female structure for receiving a corresponding non-deformed end of a third piece of pipe, said third piece of pipe having a sidewall corrugation pattern along its length that is similar in size and shape to the sidewall corrugation pattern of said first and second pieces of pipe.

31. (New) The apparatus of Claim 20, including a sealing element positioned between confronting surfaces of said first and second pieces of pipe to help provide a watertight seal therebetween.

32. (New) The apparatus of Claim 20, including an adhesive material acting between confronting surfaces of said first and second pieces of pipe to bond said first and second pieces to each other upon insertion of said second piece into said female structure of said first piece of pipe.

33. (New) A method of coupling pipe, including the steps of:

providing the apparatus of Claim 2;

temporarily deforming the female structure to receive the male structure; and

inserting the male structure into the female structure.

34. (New) A method of coupling pipe segments, including the steps of:

providing the apparatus of Claim 19;

temporarily deforming the female end to receive the male end; and

inserting the male end into the female end.

35. (New) A method of joining pipe, including the steps of:

providing the apparatus of Claim 20;

temporarily expanding the female end to receive the male end;

inserting the male end into the female end; and

permitting the engagement element to act between the first and second pieces of pipe.

36. (New) Apparatus for joining a plurality of pieces of pipe, including:

a first piece of pipe and a second piece of pipe each having a similar size and shape

sidewall corrugation pattern along their lengths;

a first female engagement structure formed from the sidewall corrugation pattern of the

first piece of pipe; and

a male engagement structure formed from the sidewall corrugation pattern of the second

piece of pipe,

the first female structure being temporarily deformed for receiving the male structure, the

temporary deformation being both sufficiently large to permit the insertion of the male structure

but also sufficiently small to ensure that material memory returns the first female structure toward its original non-deformed configuration with sufficient compressive force to grip the male structure and prevent its inadvertent removal from engagement with the first female structure.

37. A coupling system for coupling pipe segments to each other, the system including:  
a plurality of pipe segments each having a similar size and shape sidewall corrugation pattern along its length, the corrugation pattern including:  
a female end formed from the corrugation of the first pipe segment; and  
a male end formed from the corrugation of a second pipe segment,  
wherein at least one of said female and said male ends being temporarily deformed within its elastic limits to permit insertion of said male end into said female end, at least one of said temporarily deformed said female and said male end returning toward its original configuration following insertion of said male end into said female end, said female and male ends configured so that hoop stresses are generated by material memory of said deformed end to maintain desired engagement between said pipe segments.

38. (New) A pipe joint comprising:

first and second pieces of pipe having a generally uniform corrugated sidewall pattern along their lengths;

a female end of said first piece of pipe formed from said corrugated sidewall pattern by temporary expansion of said female end via application of energy thereto, said expansion not exceeding the limits of the pipe material's ability to return substantially to its original shape and size; and

a non-expanded end of said second piece of pipe insertable within said female end of said first piece of pipe while said female end is expanded.

**REMARKS****SPECIFICATION**

Applicant has changed the title of the invention to PIPE COUPLING as suggested by the Examiner.

**CLAIMS**

Claims 1-3, 5-15, and 19-26 were previously presented. In the present amendment Claim 1, and Claims 21-26 have been canceled without prejudice and Claims 27-38 have been added. Thus, after entry of the present amendment, Claims 2-3, 5-15, 19-20, and 27-38 will be pending.

**Claim Objections**

Claims 1 and 19-22 were objected to for the following alleged informality: Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. The Examiner requires appropriate corrective action.

Applicant has cancelled Claims 1 and 21-22 and amended Claims 19 and 20 as indicated herein, and respectfully submits that the objection has been overcome. However, in this regard, 37 CFR 1.75(i) states, "Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation." (emphasis added) Further in this regard, the MPEP at 608.01(m) indicates that there is no set statutory form for claims. Accordingly, although it may be appropriate for Applicant to have separated each element or step by a line indentation, the Applicant is not required to do so to meet the statutory requirements as set forth in the Patent Rules.

Therefore, Applicant respectfully submits that Claims 19 and 20 were in proper form as originally filed. However, in an effort to further advance the prosecution of this application,

Applicant has amended Claims 19 and 20 as required by the Examiner to include line indentations to separate each element or step. Applicant believes that changes made to the claims to overcome the Examiner's objection affect only the form of the claims and not the scope or substance thereof. In other words, Applicant respectfully submits and intends that the foregoing formal change (regarding line indentation) does not affect, limit, or narrow in any way the subject matter covered by the claims.

### **Allowable Subject Matter**

The Examiner has indicated that Claims 2 and 8-15 are objected to as allegedly being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has rewritten Claims 2, 8, and 10 in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Claim 2 (Claims 3, 5-7, and New Claim 33 dependent thereon), Claim 8 (Claim 9 dependent thereon), and Claim 10 (Claims 11-15 dependent thereon) are therefore in condition for allowance, notice whereof is respectfully requested of the Examiner.

### **Claim Rejections 35 U.S.C § 102**

Claims 19 and 20 were rejected under 35 U.S.C. (b) as allegedly being anticipated by U.S. Patent No. 4,865,362, to Holden, or U.S. Patent No. 5,053,097, to Johansson et al.

Claims 19 and 20 have been amended to further include the limitation of Claim 2. Accordingly, no new matter has been added as the female structure of Claims 19 and 20 further includes "an inwardly projecting engagement element at its leading edge acting between said first and said second pieces of pipe to increase the force necessary to disengage said pipe pieces from each other following assembly." Accordingly, Applicant submits that the inwardly

projecting engagement element of the female structure of Claims 19 and 20 is not taught or made obvious by Holden and/or Johansson et al or any other cited reference, alone or in any permissible combination. Accordingly, Claim 19 (New Claims 27-<sup>29</sup>~~32~~ and 34 depending thereon) and Claim 20 (New Claims 30-32 and 35 depending thereon) are therefore in condition for allowance, notice whereof is respectfully requested of the Examiner.

In addition, Applicant has “refiled” Claims 1, 19, and 20 (in their form prior to the amendments set forth above) as new Claims 36-38. As explained below, Applicant respectfully requests reconsideration of the Examiner’s rejections of those claims. Applicant understands that the present relevant rejections are anticipation, (102(b)) rejections based on Johansson ‘097 and Holden ‘362.

Regarding the Examiner’s rejections based on the Johansson ‘097 patent, Applicant respectfully traverses those rejections. Among other things, the ‘097 patent does not disclose Applicant’s male and female members configured to “ensure that material memory returns the first female structure toward its original non-deformed configuration with sufficient compressive force to grip the male structure and prevent its inadvertent removal from engagement with the first female structure” as recited in Applicant’s New Claims 36-38. Instead, it appears that the ‘097 patent requires welding (such as by a mandrel 15 and fixture 19, col. 2, l. 20) in any and all of its various configurations. Nowhere does the joint use any “compressive force” between a male and female member to prevent inadvertent disengagement of the two. For example, Johansson’s Figs. 5-7 (showing the “final” configuration of that patent) does not show any way that a compressive force can be imposed by one end on the other.

Regarding the Examiner’s rejections based on the Holden ‘362 patent, Applicant also respectfully traverses those rejections. Among other things, the ‘362 patent does not disclose

Applicant's "a plurality of pipe segments each having a similar size and shape sidewall corrugation pattern along its length" as recited in New Claims 36-38.

In contrast to Applicant's invention of Claims 36-38, the pipe pieces of the Holden's invention must be manufactured with distinct female and male connections. The Holden specification states, "By forming the convolutions with different configurations at each end, the convolutions at one end interlock with the convolutions at the other end to form a closed loop continuous hose." (Col. 1, l. 52-55, emphasis added).

In contrast, Applicant's invention facilitates ease of manufacturing, as a single size and shape and sidewall pattern of pipe may be produced. Just as Holden does not disclose or make obvious Applicant's inventions as set forth in Claims 36-38, none of the other art of which Applicant is aware discloses or makes obvious those inventions, alone or in any permissible combination.

In view of the amendments and remarks set forth above, it is thought that the application including Claims 2-3, 5-15, 19-20, and 27-38 is now in condition for allowance, notice whereof is respectfully requested of the Examiner.

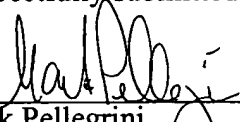


If the Examiner has any questions regarding the foregoing, or if the Examiner would like to discuss any remaining or new issues regarding this communication, the Examiner is invited to contact the undersigned representative of Applicant at (949) 718-6750.

Respectfully submitted,

Date:

Jan 20, 04

  
Mark Pellegrini  
Reg. No. 50,233  
J. Mark Holland & Associates,  
a Professional Law Corporation  
3 Civic Plaza, Suite 210  
Newport Beach, California 92660  
Telephone: 949-718-6750  
PTO Customer Number 21,259

JMH:MAP/las

Enclosures

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TELEPHONE: (949) 718-6750  
FACSIMILE: (949) 718-6756  
E-MAIL: office@jmhllaw.com

J. MARK HOLLAND, PC  
LYNNE M.J. BOLINBAU

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Name: Leigh Anne Sbelder-Smith, Paralegal  
Fax No.: (949) 718-6756  
Telephone: (949) 718-6750

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FACSIMILE: (949) 718-6756  
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Fax No.: (949) 718-6756  
Telephone: (949) 718-6750

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NEWPORT BEACH, CALIFORNIA 92660

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TELEPHONE: (949) 718-6750  
FACSIMILE: (949) 718-6756  
E-MAIL: office@jmhllaw.com

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Telephone: (949) 718-6750

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FACSIMILE: (949) 718-6756  
E-MAIL: office@jmhla.com

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Fax No.: (949) 718-6756  
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E-MAIL: office@jmhlaw.com

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<p><b>TO:</b></p> <p>Attention: Examiner Aaron M. Dunwoody Art Unit: 3679</p> <p>Fax No.: 703-872-9306 Telephone: 703-306-3436</p>		<p><b>Urgent!!!</b> Please deliver to Examiner Dunwoody ASAP!</p>		
<p><b>FROM:</b></p> <p>Name: Leigh Anne Shetler-Smith, Paralegal Fax No.: (949) 718-6756 Telephone: (949) 718-6750</p>				
<p><b>SUBJECT/COMMENTS:</b> DELME-P2739 Serial No: 09/904,975</p> <p>Pursuant to your further telephone discussion of today with Mark Pellegrini, we are attempting again to send you the following documents: (1) Amendment and Response to Final Office Action filed VIA FACSIMILE ONLY; (2) Credit Card Payment Form duly executed; (3) Fee Transmittal Form for FY 2004; (4) THREE facsimile confirmation sheets.</p> <p>As this response was originally filed via facsimile, there was no postcard to be filed. If you still do not receive these documents, please call ASAP!!</p>				
<p>PAGE 1/1 * RCVD AT 6/9/2004 2:06:06 PM [Eastern Daylight Time] * SVR:USPTO-EPXRF-1/3 * DRIS:8729306 * CSID:949 718 6756 * DURATION (mm:ss):10:32</p>				



# J. MARK HOLLAND & ASSOCIATES

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NEWPORT BEACH, CALIFORNIA 92660

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TELEPHONE: (949) 718-6750  
FACSIMILE: (949) 718-6756  
E-MAIL: office@jmhlaw.com

J. MARK HOLLAND, PC  
LYNNE M.J. BOISINEAU

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DATE: June 9, 2004

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*- actually 28  
pgs were  
sent*

### TO:

Attention: Examiner Aaron M. Dunwoody  
Art Unit: 3679

Fax No.: 703-872-9306  
Telephone: 703-306-3436

**Urgent!!!**  
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Examiner Dunwoody  
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### FROM:

Name: Leigh Anne Shetler-Smith, Paralegal  
Fax No.: (949) 718-6756  
Telephone: (949) 718-6750

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Printer/Fax/Copier/Scanner

SEND CONFIRMATION REPORT for  
J Mark Holland and Associates  
949 718 6756  
Jun-9-04 11:18AM

Job	Start Time	Usage	Phone Number or ID	Type	Pages	Mode	Status
521	6/ 9 11:08AM	10'02"	USPTO	Send.....	28/28	EC144	Completed.....
Total		10'02"	Pages Sent: 28		Pages Printed: 0		

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